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Attorneys for the Federal Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA
TUCSON DIVISION**

Tohono O’odham Nation, *et al.*,
Plaintiffs,

v.

United States Department of the Interior,
et al.,

Defendants,

and

SunZia Transmission, LLC,
Intervenor-Defendant.

No. 4:24-cv-00034-JGZ

**FEDERAL DEFENDANTS’
MOTION FOR A STAY OF THE
CASE IN LIGHT OF LAPSE OF
APPROPRIATIONS**

1 Federal Defendants hereby move for a stay of all deadlines in the above-captioned
2 case.

3 1. At the end of the day on September 30, 2025, the appropriations act that
4 had been funding the Department of Justice expired and those appropriations to the
5 Department lapsed. The same is true for the majority of other Executive agencies,
6 including Federal Defendants. The Department does not know when such funding will
7 be restored by Congress.

8 2. Absent an appropriation, Department of Justice attorneys and employees of
9 Federal Defendants are prohibited from working, even on a voluntary basis, except in
10 very limited circumstances, including “emergencies involving the safety of human life or
11 the protection of property.” 31 U.S.C. § 1342.

12 3. Undersigned counsel for the Department of Justice therefore requests a stay
13 of all deadlines in the case until Congress has restored appropriations to the Department.

14 4. If this motion for a stay is granted, undersigned counsel will notify the
15 Court as soon as Congress has appropriated funds for the Department. The Government
16 requests that, at that point, all current deadlines for the parties be extended commensurate
17 with the duration of the lapse in appropriations — i.e., each deadline would be extended
18 by the total number of days of the lapse in appropriations.

19 5. Counsel for Plaintiffs and for Intervenor-Defendant SunZia Transmission,
20 L.L.C. has authorized counsel for the Government to state that they have no objection to
21 this motion.

22 Therefore, although we greatly regret any disruption caused to the Court and the
23 other litigants, the Government hereby moves for a stay of all deadlines in this case until
24 Department of Justice attorneys are permitted to resume their usual civil litigation
25 functions.

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27 Dated: October 1, 2025

Respectfully submitted,

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/s/ Devon Lehman McCune
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